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# **Notice of Allowability**

**Application No.**

09/627,179

**Examiner**

Joshua Kading

**Applicant(s)**

HELLWIG ET AL.

**Art Unit**

2661

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6-30-04.
2. ☒ The allowed claim(s) is/are 14-22, 24-26, 28, 30, 23, 27, 29, and 31; renumbered 1-18 respectively.
3. ☒ The drawings filed on 07 May 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 11/2004.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other

**BOB PHUNKULH**  
**PRIMARY EXAMINER**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be

5 submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gregory Mayback on 9 November 2004.

The application has been amended as follows:

10 Claim 14, section (g), line 2 and claim 21, section (g), line 2 state "transmitting port units with the central". These should be changed to --transmitting port units using the central--.

Claim 14, section (h), lines 1-2 and claim 21, section (h), lines 1-2 state "cells with the transmitting". These should be changed to --cells using the transmitting--.

15 Claim 22, line 41 states "transmitting with the central switching unit". This should be changed to --transmitting using the central switching unit--.

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: Claims 14-31 are allowable because the prior art of record fails to teach in combination with other  
20 claim limitations, "availability request information indicating to which of the other port units the at least one of cell and at least one data packet will be transmitted...transmitting the authorization information at least to the relevant

transmitting port units using the central switching unit..." Where the "availability request information" is taken to mean the "contention request vector" as explained in applicant's Remarks filed 30 June 2004, page 10, lines 14-18.

Any comments considered necessary by applicant must be submitted no later  
5 than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

10 Applicant's arguments, see Remarks, page 2, lines 15-23, filed 30 June 2004, with respect to the objection of claim 25 have been fully considered and are persuasive. The objection of claim 25 has been withdrawn.

Applicant's arguments, see Remarks, pages 3-6, filed 30 June 2004, with respect  
15 to the 35 U.S.C. 112, first paragraph rejections have been fully considered and are persuasive. The 35 U.S.C. 112, first paragraph rejections of claims 14-26, 28, and 30 have been withdrawn.

Applicant's arguments, see Remarks, pages 6-10, filed 30 June 2004, with  
20 respect to the 35 U.S.C. 112, second paragraph rejections have been fully considered and are persuasive. The 35 U.S.C. 112, second paragraph rejections of claims 14, 15, 20-22, 24, 26-29, and 31 have been withdrawn.

Applicant's arguments, see Remarks, page 10, lines 14-18, filed 30 June 2004, with respect to the 35 U.S.C. 102 rejection of claim 23 have been fully considered and are persuasive. The 35 U.S.C. 102 rejection of claim 23 has been withdrawn.

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Applicant's arguments, see Remarks (primarily those related to the "availability request information"), pages 11-16, filed 30 June 2004, with respect to the 35 U.S.C. 103 rejections have been fully considered and are persuasive. The 35 U.S.C. 103 rejections of claims 14, 16, 20, 22, and 24 have been withdrawn.

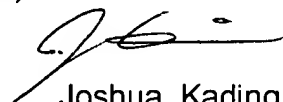
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

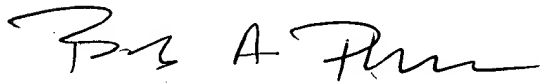
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading  
Examiner  
Art Unit 2661

10 November 9, 2004



**BOB PHUNKULH**  
**PRIMARY EXAMINER**